

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PATRICK K. SPURLOCK,

CASE NO. C16-1703JLR

Plaintiff,

## ORDER

V.

MONROE CORRECTIONAL  
COMPLEX, et al.,

## Defendants.

## I. INTRODUCTION

This matter comes before the court on the report and recommendation of United States Magistrate Judge Brian A. Tsuchida (R&R (Dkt. # 15)), and Plaintiff Patrick K. Spurlock's objections thereto (Objections (Dkt. # 18)). Having carefully reviewed the foregoing submissions, along with all other relevant documents and the governing law, the court ADOPTS the report and recommendation (Dkt. # 15) and DISMISSES Mr. Spurlock's complaint without prejudice.

## II. STANDARD OF REVIEW

2 A district court has jurisdiction to review a Magistrate Judge's report and  
3 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must  
4 determine de novo any part of the magistrate judge's disposition that has been properly  
5 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part,  
6 the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).  
7 The court reviews de novo those portions of the report and recommendation to which  
8 specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
9 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review  
10 the magistrate judge's findings and recommendations de novo if objection is made, but  
11 not otherwise." *Id.* Because Mr. Spurlock is proceeding *pro se*, this court must interpret  
12 his complaint and objections liberally. *See Bernhardt v. Los Angeles Cty.*, 339 F.3d 920,  
13 925 (9th Cir. 2003).

### III. DISCUSSION

15 Mr. Spurlock objects to most of Magistrate Judge Tsuchida's factual discussion,  
16 legal analysis, and recommended conclusions. (*See generally* Objections.) Mr.  
17 Spurlock's objections do not raise any novel issues that were not addressed in the report  
18 and recommendation. Moreover, the court has thoroughly examined the record before it  
19 and finds Magistrate Judge Tsuchida's reasoning persuasive in light of that record. The  
20 court independently rejects Mr. Spurlock's arguments for the same reasons as Judge  
21 Tsuchida rejected those arguments.

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#### IV. CONCLUSION

For the foregoing reasons, the court ORDERS as follows:

- (1) The court ADOPTS the report and recommendation (Dkt. # 15) in its entirety;
  - (2) The court DISMISSES Mr. Spurlock's action without prejudice for failure to  
claim, and the dismissal counts as a strike under 28 U.S.C. § 1915(g);
  - (3) The court DENIES Mr. Spurlock's motion to note (Dkt. # 19) as moot; and
  - (4) The court DIRECTS the Clerk to send copies of this order to Mr. Spurlock and  
Judge Tsuchida.

Dated this 25<sup>th</sup> day of April, 2017.

JAMES L. ROBART  
United States District Judge